

What is Criminal Justice Reform?

Criminal Justice Reform represents a fundamental change in how defendants and their cases are processed in the New Jersey courts. On Jan. 1, 2017, the state moved from a system that relied principally on setting monetary bail as a condition of release to a risk-based system that is more objective, promotes public safety and is fairer to defendants because it is unrelated to their ability to pay monetary bail.

The criminal justice system is rooted in two principles: That those accused of a crime are innocent until proven guilty and that they have a constitutional right to a speedy trial.

The transformation of New Jersey's criminal justice system was a joint effort of all three branches of government that grew from the work of the Joint Committee on Criminal Justice, a special committee of the Supreme Court established by Chief Justice Stuart Rabner to examine the issues of bail and speedy trial reform.



New Jersey Judiciary



**Chief Justice
Stuart Rabner**

"The existing bail system is not fair to poor defendants who, because they cannot post bail, are cut off from families and may lose their jobs. In terms of the charges against them, studies have shown that they face tougher plea offers and pressure to plead guilty because of the amount of time they have already spent in jail, and they receive longer sentences as compared to similarly situated defendants who were able to make bail." — January 2017



STUART RABNER
CHIEF JUSTICE

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

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New Jersey Judiciary

**CRIMINAL
JUSTICE
REFORM**

A
**Step-by-Step
Guide**

For more information about Criminal Justice Reform in New Jersey, go to www.njcourts.gov and search for "Criminal Justice Reform."

Complaint

The defendant is fingerprinted by law enforcement and a criminal history is collected from various statewide databases.
The information allows prosecutors and law enforcement to make a quick and informed decision about whether to authorize a summons or request a warrant from the court.

Summons Issued

The defendant is not subject to Criminal Justice Reform.

Warrant Issued

The individual is arrested and transported to county jail. The defendant is subject to Criminal Justice Reform.

Defendant Released

The defendant is given a date to appear in court.

Public Safety Assessment

Pretrial services staff prepare a release recommendation to the court based on a Public Safety Assessment (PSA) and other factors. The PSA uses the defendant's prior criminal and court history to assess the likelihood that the defendant will fail to appear in court or commit another crime. There is a recommendation of no release for certain crimes such as murder and some crimes involving guns or weapons.

First Appearance Hearing

A first appearance hearing is held within 24 to 48 hours of a defendant being taken to a county jail unless the prosecutor has filed a pretrial detention motion. At the hearing, the judge will set conditions of release, considering the pretrial services recommendation along with arguments from the prosecutor and the defense attorney.

No Motion for Detention Made

After listening to the prosecution and the defense, the judge can either agree with the pretrial services recommendation or issue a statement of reasons for deviating from the recommendation.

Motion for Detention Made

If a detention motion is filed, the first appearance and the pretrial detention hearing are scheduled within three business days. The prosecutor must demonstrate that no condition of release can reasonably assure the public's safety or that the defendant will return to court.

Defendant Released

The defendant is given a date to appear in court.

Defendant Released With Conditions

Defendants released with conditions are monitored by the court's pretrial services unit. Conditions of release range from phone calls and visits with a pretrial services officer to electronic monitoring and house arrest.

Defendant Detained

Defendants who are detained pretrial are subject to speedy trial guidelines and must be indicted within 90 days. There are also limits for the overall time a defendant can be kept in jail while the case is resolved.